

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DR. SARI EDELMAN,

Plaintiff,

-v-

NYU LANGONE HEALTH SYSTEM, NYU  
LANGONE HOSPITALS, NYU LANGONE  
MEDICAL CENTER, NYU LANGONE NASSAU  
RHEUMATOLOGY, NYU SCHOOL OF  
MEDICINE, NYU GROSSMAN SCHOOL OF  
MEDICINE, NYU HOSPITALS CENTER,  
ANDREW T. RUBIN, DAVID KAPLAN, JOSEPH  
ANTONIK, and JOSHUA SWIRNOW,

Defendants.

21-cv-502 (LJL)

**VERDICT FORM**

**PLEASE FOLLOW ALL INSTRUCTIONS, CHECK (✓) YOUR ANSWERS, AND  
FILL IN THE BLANKS**

*All Answers Must Be Unanimous*

**I. Federal Equal Pay Act Claim**

1. Has Dr. Edelman proved by a preponderance of the evidence that NYU employed her and the following individuals in a job requiring substantially equal skill, effort, and responsibility?

Dr. Goldberg:	YES: _____	NO: <u>✓</u>
Dr. Porges:	YES: _____	NO: <u>✓</u>
Dr. Modi:	YES: _____	NO: <u>✓</u>

2. Has Dr. Edelman proved by a preponderance of the evidence that her job and that of the following individuals were performed under similar working conditions?

Dr. Goldberg:	YES: <u>✓</u>	NO: _____
Dr. Porges:	YES: <u>✓</u>	NO: _____
Dr. Modi:	YES: <u>✓</u>	NO: _____

3. Has Dr. Edelman proved by a preponderance of the evidence that she was paid lower compensation than the following individuals for doing substantially equal work?

Dr. Goldberg:	YES: _____	NO: <u>✓</u>
Dr. Porges:	YES: _____	NO: <u>✓</u>
Dr. Modi:	YES: _____	NO: <u>✓</u>

4. Have Defendants proved by a preponderance of the evidence that the differences in pay between Dr. Edelman and the following individuals were based on factors other than sex?

Dr. Goldberg:	YES: <u>✓</u>	NO: _____
Dr. Porges:	YES: <u>✓</u>	NO: _____
Dr. Modi:	YES: <u>✓</u>	NO: _____

5. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants violated the federal Equal Pay Act?

[Answer only if you have answered YES to Questions 1 through 3 for a comparator and also answered NO for that same comparator in Question 4.]

NYU Langone Health System:	YES: _____	NO: _____
NYU Langone Hospitals	YES: _____	NO: _____
NYU Langone Medical Center	YES: _____	NO: _____
NYU Langone Nassau Rheumatology	YES: _____	NO: _____
NYU School of Medicine	YES: _____	NO: _____
NYU Grossman School of Medicine	YES: _____	NO: _____
NYU Hospitals Center	YES: _____	NO: _____
Rubin:	YES: _____	NO: _____
Swirnow:	YES: _____	NO: _____

## II. New York Labor Law Section 194

6. Have Defendants proved by a preponderance of the evidence that the differences in pay between Dr. Edelman and the following individuals were based on factors other than sex?

Dr. Goldberg:	YES: <u>✓</u>	NO: _____
Dr. Porges:	YES: <u>✓</u>	NO: _____
Dr. Modi:	YES: <u>✓</u>	NO: _____

7. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants violated New York Labor Law Section 194?

[Answer only if you have answered YES to Questions 1 through 3 for a comparator and also answered NO for that same comparator in Question 6.]

NYU Langone Health System:	YES: _____	NO: _____
NYU Langone Hospitals	YES: _____	NO: _____
NYU Langone Medical Center	YES: _____	NO: _____
NYU Langone Nassau Rheumatology	YES: _____	NO: _____
NYU School of Medicine	YES: _____	NO: _____
NYU Grossman School of Medicine	YES: _____	NO: _____
NYU Hospitals Center	YES: _____	NO: _____
Rubin:	YES: _____	NO: _____
Swirnow:	YES: _____	NO: _____

### III. Title VII Retaliation Claim Against NYU Defendants

8. Has Dr. Edelman proved by a preponderance of the evidence that she engaged in protected activity under Title VII?

YES: ✓ NO: \_\_\_\_\_

9. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants committed an adverse act against her because of her protected conduct under Title VII?

NYU Langone Health System:	YES: <u>✓</u>	NO: _____
NYU Langone Hospitals:	YES: <u>✓</u>	NO: _____
NYU Langone Medical Center:	YES: <u>✓</u>	NO: _____
NYU Langone Nassau Rheumatology:	YES: <u>✓</u>	NO: _____
NYU School of Medicine:	YES: <u>✓</u>	NO: _____
NYU Grossman School of Medicine:	YES: <u>✓</u>	NO: _____
NYU Hospitals Center:	YES: <u>✓</u>	NO: _____

**IV. New York State Human Rights Law Retaliation Claim Against All Defendants**

10. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants committed an adverse act against her because of her protected conduct under New York State Human Rights Law?

NYU Langone Health System:	YES: <u>✓</u>	NO: <u>      </u>
NYU Langone Hospitals:	YES: <u>✓</u>	NO: <u>      </u>
NYU Langone Medical Center:	YES: <u>✓</u>	NO: <u>      </u>
NYU Langone Nassau Rheumatology:	YES: <u>✓</u>	NO: <u>      </u>
NYU School of Medicine:	YES: <u>✓</u>	NO: <u>      </u>
NYU Grossman School of Medicine:	YES: <u>✓</u>	NO: <u>      </u>
NYU Hospitals Center:	YES: <u>✓</u>	NO: <u>      </u>

11. Has Dr. Edelman proved by a preponderance of the evidence that any of the Individual Defendants aided or abetted an adverse act against her because of her protected conduct under New York State Human Rights Law?

[You may only answer YES for any of the following Defendants if you answer YES to one of the Defendants in the previous question.]

Rubin:	YES: <u>      </u>	NO: <u>✓</u>
Antonik:	YES: <u>✓</u>	NO: <u>      </u>
Swirnow:	YES: <u>      </u>	NO: <u>✓</u>

**V. New York City Human Rights Law Retaliation Claim Against All Defendants**

12. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants' conduct was motivated, at least in part, by Plaintiff's protected activity?

NYU Langone Health System:	YES: <u>✓</u>	NO: <u>      </u>
NYU Langone Hospitals:	YES: <u>✓</u>	NO: <u>      </u>
NYU Langone Medical Center:	YES: <u>✓</u>	NO: <u>      </u>
NYU Langone Nassau Rheumatology:	YES: <u>✓</u>	NO: <u>      </u>
NYU School of Medicine:	YES: <u>✓</u>	NO: <u>      </u>
NYU Grossman School of Medicine:	YES: <u>✓</u>	NO: <u>      </u>
NYU Hospitals Center:	YES: <u>✓</u>	NO: <u>      </u>
Rubin:	YES: <u>      </u>	NO: <u>✓</u>
Antonik:	YES: <u>✓</u>	NO: <u>      </u>
Swirnow:	YES: <u>      </u>	NO: <u>✓</u>

13. Has Dr. Edelman proved by a preponderance of the evidence that any of the Defendants engaged in conduct reasonably likely to deter a person from engaging in the alleged protected activity?

NYU Langone Health System:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
NYU Langone Hospitals:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
NYU Langone Medical Center:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
NYU Langone Nassau Rheumatology:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
NYU School of Medicine:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
NYU Grossman School of Medicine:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
NYU Hospitals Center:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
Rubin:	YES: <input type="checkbox"/>	NO: <input checked="" type="checkbox"/>
Antonik:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
Swirnow:	YES: <input type="checkbox"/>	NO: <input checked="" type="checkbox"/>

14. Has Dr. Edelman proved by a preponderance of the evidence that any of the Individual Defendants aided or abetted conduct that was reasonably likely to deter a person from engaging in the alleged protected activity?

[You may only answer YES for any of the following Defendants if you answered YES to the same Defendant in Question 12 and answered YES to at least one other Defendant in Question 13.]

Rubin:	YES: <input type="checkbox"/>	NO: <input checked="" type="checkbox"/>
Antonik:	YES: <input checked="" type="checkbox"/>	NO: <input type="checkbox"/>
Swirnow:	YES: <input type="checkbox"/>	NO: <input checked="" type="checkbox"/>

**VI. New York City Human Rights Law Discrimination Claim Against All Defendants**

15. Has Dr. Edelman proved by a preponderance of the evidence that any of the following Defendants intentionally discriminated against her because of her gender by making sexist remarks?

NYU Langone Health System:	YES: _____	NO: <u>✓</u>
NYU Langone Hospitals:	YES: _____	NO: <u>✓</u>
NYU Langone Medical Center	YES: _____	NO: <u>✓</u>
NYU Langone Nassau Rheumatology:	YES: _____	NO: <u>✓</u>
NYU School of Medicine:	YES: _____	NO: <u>✓</u>
NYU Grossman School of Medicine:	YES: _____	NO: <u>✓</u>
NYU Hospitals Center:	YES: _____	NO: <u>✓</u>
Antonik:	YES: _____	NO: <u>✓</u>

**VII. Damages****A. Unequal Pay under the Equal Pay Act and New York Labor Law Section 194**

16. If your answers to Questions 1 through 3 were all YES for any of the following proposed comparators, and also NO for Question 4 or Question 6, then how much less was Dr. Edelman paid for the relevant time period?

Dr. Goldberg:	\$ _____
Dr. Porges:	\$ _____
Dr. Modi:	\$ _____

**B. Retaliation Claims under Title VII, New York State Human Rights Law ("NYSHRL"), and New York City Human Rights Law ("NYCHRL")**

If you found that any Defendant committed retaliation under Title VII, the New York State Human Rights Law, or the New York City Human Rights Law, continue to Question 17. If you did not find retaliation under any statute, continue to Question 20.

17. Has Dr. Edelman proved by a preponderance of the evidence that she suffered monetary damages because of retaliation for complaining to Human Resources about alleged discrimination?

Title VII:	YES: <u>✓</u>	NO: _____
NYSHRL:	YES: <u>✓</u>	NO: _____
NYCHRL:	YES: <u>✓</u>	NO: _____

18. If your answer to the preceding question is YES to either NYSHRL or NYCHRL, then what amount of damages for front-pay should Dr. Edelman be awarded?

Front-pay: \$ 700,000

19. If you answered YES to any of the statutes in Question 17, then what amount of compensatory damages should Dr. Edelman be awarded?

Compensatory Damages: \$ 0

C. Gender Discrimination under New York City Human Rights Law

20. Has Dr. Edelman proved by a preponderance of the evidence that she suffered monetary damages because allegedly sexist remarks were made to her?

YES: \_\_\_\_\_

NO: ✓

21. If the preceding question is answered YES, then what amount of compensatory damages should Dr. Edelman be awarded?

\$ \_\_\_\_\_

After completing the form, each juror who agrees with this verdict must sign below:

[Signature]  
Foreperson

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

Dated: 7-19-23